

Message Text

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PAGE 01 USUN N 03330 01 OF 02 281840Z
ACTION DLOS-09

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C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 03330

FROM LOSDEL

E.O. 11652: GDS
TAGS: PLOS
SUBJECT: LOS CONFERENCE DAILY SUMMARY - AUGUST 24

SUMMARY. IN NG-1, THE US STATED ITS OBJECTIONS TO THE
GENEVA TEXTS. THE US INITIATED THE MARGIN DEBATE IN NG-6
TO DISCUSS THE IRISH FORMULA AND SOVIET 300-MILE LIMIT.
COMMITTEE III CONTINUED DEBATE ON CATEGORY II PROPOSALS.
END SUMMARY. :

1. THE FIRST MEETING OF NG-1 TOOK PLACE AUGUST 24. CHAIR-
MAN NJENGA PROPOSED THAT DISCUSSION BEGIN WITH PARAGRAPH 5
OF ANNEX II AND THAT THE TEXTS PRODUCED IN GENEVA NOT BE
REOPENED AT THIS TIME. TEN TOPICS WERE OUTLINED FOR DIS-
CUSSION: TIME PERIOD FOR RECEIPT OF APPLICATIONS; AS-
CERTAINMENT BY THE AUTHORITY OF THE QUALIFICATIONS OF
APPLICANTS; PROCEDURES IN THE CASE OF A SINGLE APPLICATION;
PROCEDURES IN THE CASE OF MULTIPLE APPLICATIONS; NEGOTIA-
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PAGE 02 USUN N 03330 01 OF 02 281840Z

TION OF CONTRACTS; SEPARATE STAGES OF OPERATION; JOINT
VENTURES; THE BANKING SYSTEM; FINANCIAL INCENTIVES FOR
JOINT VENTURES; AND QUOTA/ANTI-MONOPOLY. NJENGA INVITED
"INTERESTED DELEGATIONS" TO PROVIDE HIM WITH "CONCRETE
PROPOSALS" FOR A QUOTA/ANTI-MONOPOLY CLAUSE.

2. THE FRG (WOLFF),SPEAKING ON BEHALF OF THE EEC, LED OFF

WITH A STRONG STATEMENT DETAILING THE EEC'S OBJECTIONS TO THE GENEVA TEXTS. (FULL STATEMENT TO BE SENT SEPTTEL). THE EEC WOULD HAVE PREFERRED TO RESUME DISCUSSION OF THOSE TEXTS IN NEW YORK, BUT WOULD BOW TO A CONSENSUS IN FAVOR OF MOVING ON TO OTHER TOPICS. JAPAN MADE A SIMILAR, THOUGH LOWER-KEYED, INTERVENTION. THE USSR SAID ITS GREATEST PROBLEM WAS WITH THE REVIEW CONFERENCE PROVISIONS AND EMPHASIZED THAT PERMANENT ACCESS TO RESOURCES BY STATES IS SINE QUA NON FOR THE SOVIET UNION.

3. THE U.S. (ALDRICH) SUPPORTED NJENGA'S PROPOSAL TO MOVE ON TO NEW TOPICS AND WELCOMED THE WILLINGNESS OF THE EEC TO ACCEPT THIS CONSENSUS. HE CRITICIZED THE GENEVA TEXTS AND EMPHASIZED THAT THEY WOULD HAVE TO BE TAKEN UP AGAIN IN FUTURE SESSIONS. WITH REGARD TO NJENGA'S PROPOSAL TO BEGIN DISCUSSION WITH PARAGRAPH 5 OF ANNEX II, HE SUGGESTED PROCEEDING THROUGH THE ANNEX PARAGRAPH-BY-PARAGRAPH FROM THE BEGINNING, AND PROPOSED CONCENTRATING FIRST ON THE QUESTION OF THE APPLICABILITY OF ANNEX II TO THE ENTERPRISE. (FULL TEXT OF US STATEMENT SENT SEPTTEL.)

4. MOST G-77 INTERVENTIONS (NIGERIA, PERU, CHILE, COLOMBIA, PAKISTAN, FIJI, EGYPT, TRINIDAD AND TOBAGO) WERE RELATIVELY MODERATE IN TONE. THE SPEAKERS PRAISED THE GENEVA TEXTS, AND EMPHASIZED THAT THEY CONTAINED SIGNIFICANT CONCESSIONS ON THE PART OF THE G-77. THEY EXPRESSED SUR-

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PAGE 03 USUN N 03330 01 OF 02 281840Z

PRISE AND DISAPPOINTMENT OVER THE TONE AND CONTENT OF THE EEC STATEMENT. BRAZIL, (THOMPSON-FLORES) WENT BEYOND THE RATHER EXPECTABLE G-77 LINE. HE GLOOMILY PREDICTED FAILURE OF THE CONFERENCE IF CURRENT TRENDS CONTINUED AND CRITICIZED THE GENEVA TEXTS AS FALLING FAR SHORT OF G-77 NEEDS, WARNING THAT THE DEVELOPED COUNTRIES WOULD NEVER GIVE THEIR CONSENT TO SEABED MINING WITHOUT A TREATY.

5. NG-6 (CONTINENTAL SHELF) - IN LIGHT OF THE AWKWARD SITUATION CREATED BY THE ABSENCE OF SUBSTANTIVE DISCUSSION IN PREVIOUS MEETINGS OF NG-6, THE US INITIATED DISCUSSION OF THE DEFINITION OF THE MARGIN BEYOND 200 MILES. THE US INDICATED THAT ITS SUPPORT FOR THE IRISH FORMULA WAS PRE-DEDICATED ON THREE MAJOR POINTS: THE FORMULA IS LEGALLY DEFENSIBLE, SCIENTIFICALLY SOUND, AND POLITICALLY ACCEPTABLE. IT TOOK INTO ACCOUNT THE VITAL INTERESTS OF BOTH COASTAL STATES AND OTHER STATES. THE INTERESTS OF BOTH GROUPS MUST BE ACCOMMODATED, (I.E., A CONCERN FOR OFFSHORE RESOURCES ON THE ONE HAND AND REVENUE SHARING AND OTHER INTERESTS ON THE OTHER) AND THE IRISH FORMULA SATISFACTORILY ADDRESSES THESE ISSUES. THE IRISH FORMULA WAS SUPPORTED BY IRELAND, NEW ZEALAND, ARGENTINA, CANADA, UK,

URUGUAY, AND THE REPUBLIC OF KOREA. THE SOVIET 300-MILE PROPOSAL WAS SECONDED BY ITS SPONSOR, BULGARIA, AND HUNGARY. MOROCCO CALLED FOR 200 MILES AND OPPOSED BOTH THE IRISH AND THE SOVIET FORMULAE, WHILE POLAND IN A CONFUSED INTERVENTION, SUPPORTED THE 200 MILE LIMIT AS WELL AS MADE A BOW TO THE SOVIET IDEA. SRI LANKA HAD DIFFICULTY BECAUSE THE IRISH FORMULA DID NOT COVER THE FULL EXTENT OF THE SHELF OFF ITS COASTS' AND IT PREFERENCES ICNT ARTICLE 76. SWITZERLAND REITERATED ITS BACKING FOR 200 MILES BUT INDICATED THAT AS PART OF A PACKAGE INCLUDING REVENUE SHARING IT WOULD ACCEPT A BROAD-MARGIN SOLUTION. SINGAPORE QUERIED THE STATUS OF THE SECRETARIAT MAP STUDY WHICH WOULD DEPICT THE SOVIET 300 MILE PROPOSAL; BUT THE ABSENCE

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PAGE 01 USUN N 03330 02 OF 02 281845Z
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C O N F I D E N T I A L SECTION 02 OF 02 USUN NEW YORK 03330

OF A SECRETARIAT REPRESENTATIVE PRECLUDED A RESPONSE.

6. CANADA POINTED OUT THAT THE RUSSIAN PROPOSAL INCORPORATES MORE OF THE SHELF UNDER COASTAL STATE JURISDICTION THAN DOES THE IRISH FORMULA; URUGUAY ACCUSED THE USSR OF PUTTING FORTH A TOTALLY ARBITRARY PROPOSAL. THESE INTERVENTIONS PUT THE EASTERN EUROPEANS ON THE DEFENSIVE, WITH THE SOVIETS CLAIMING THAT ITS PROPOSAL WAS "NO LESS SCIENTIFIC THAN THE IRISH FORMULA." THIS DEBATE USEFULLY AIRED THE ISSUES AND WILL PERMIT THE COMMITTEE II CHAIRMAN TO EITHER CONTINUE THE SHELF DISCUSSION (IN OPEN SESSION IF DELEGATIONS SO DESIRE), OR TO MOVE ON TO A REVIEW OF THE REMAINING ICNT ARTICLES THAT HAD NOT BEEN CONSIDERED

AT GENEVA (E.G., ISLANDS AND SEMI-ENCLOSED SEAS).

7. THE FIRST MEETING OF NG-7 (DELIMITATION OF MARITIME BOUNDARIES) IS SCHEDULED FOR AUGUST 25, CONTINUING UNDER THE CHAIRMANSHIP OF JUDGE MANNER OF FINLAND. A PREFERENCE HAS BEEN EXPRESSED IN THE CORRIDORS FOR EARLY CONSIDERATION OF THE DISPUTE SETTLEMENT ASPECTS OF THE CONFIDENTIAL

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PAGE 02 USUN N 03330 02 OF 02 281845Z

BOUNDARY DELIMITATION PROBLEM. IT IS HOPED THAT THIS CAN BE DONE WITHOUT FIRST REHEARSING THE SUBSTANTIVE IMPASSE BETWEEN THOSE WHO FAVOR "EQUITABLE PRINCIPLES" AND THOSE SEEKING "EQUI-DISTANCE" RULES.

8. THE COMMITTEE III MEETING, CHAIRED BY VALLARTA, BEGAN CONSIDERATION OF THE CATEGORY III PROPOSALS. FRANCE REINTRODUCED ITS AMENDMENT TO ART. 229, WITH SUPPORT FROM CANADA AND ICELAND. OPPOSITION CAME FROM IRAQ, SINGAPORE, UGANDA, GREECE, JAPAN, USSR AND UK. OF PARTICULAR CONCERN WAS THE IMPLICATION OF THE PHRASE "DISCHARGES OF WHICH THERE IS CLEAR AND OBJECTIVE PROOF." THE PROPOSAL TO DELETE ART. 221 (8) REMAINS IN CATEGORY II.

9. SPAIN REITERATED ITS DELETION/RE-PHRASE TO ART. 234 (POLLUTION IN STRAITS) AND CONNECTED THIS TO ITS AMENDMENT FOR ART. 42(1)(B). CHILE OFFERED SUPPORT BUT MALAYSIA, SINGAPORE, JAPAN AND LIBERIA WERE OPPOSED.

CANADA AMENDED ITS DRAFT FOR ART. 221(5) TO READ (LINE SIX): "...RESULTED IN A SUBSTANTIAL DISCHARGE CAUSING SIGNIFICANT POLLUTION OR THREAT OF SUCH TO THE MARINE ENVIRONMENT. THIS MOVE SECURED BACKING FROM PERU, LIBERIA, PHILIPPINES, FRG, SENEGAL, NEW ZEALAND, SPAIN, AUSTRALIA, CHINA, IRELAND AND SOMALIA. THERE WERE OBJECTIONS BY UGANDA, IRAQ, ISRAEL, SINGAPORE AND USSR. JAMAICA, UK AND JAPAN RESERVED THEIR POSITIONS.

A CHANGE TO ART. 219 (PORTSTATE ENFORCEMENT) WAS RE-SUBMITTED BY FRANCE BUT ATTACKED BY THE NETHERLANDS AND SINGAPORE.

10. IN SUMMING UP, CHAIRMAN VALLARTA SAW NO JUSTIFICATION CONFIDENTIAL

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PAGE 03 USUN N 03330 02 OF 02 281845Z

FROM THE DAY'S DEBATE TO MOVE ANY OF THE PROPOSALS TO CATEGORY I. INSTEAD, THEY WERE REFERRED TO FURTHER INFOR-

MAL CONSULTATIONS UNDER THE CHAIRMAN.

11. NG-3 (ORGANS OF THE AUTHORITY) AGREED AT AN UNEVENTFUL MEETING TO BEGIN CONSIDERATION OF THE SUBSIDIARY ORGANS OF THE COUNCIL ON AUGUST 25.

12. THE DRAFTING COMMITTEE HEARD REPORTS FROM THE SIX LANGUAGE GROUPS WHICH HAD EXAMINED POSSIBLE TREATY MODELS FOR THE ICNT PROVISIONS.

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